

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GARY WALLACE	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	NO. 09-345
	:	
RAYMOND LAWLER, THE DISTRICT	:	
ATTORNEY OF THE COUNTY OF	:	
LEHIGH, and THE ATTORNEY GENERAL :	:	
OF PENNSYLVANIA	:	
Respondents.	:	

O R D E R

AND NOW, this 21st day of May, 2010, upon consideration of the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 filed by petitioner, Gary Wallace (Document No. 1, filed January 26, 2009), the Response in Opposition to the Petition for Writ of Habeas Corpus filed by respondents (Document No. 8, filed May 7, 2009), the Amended Response in Opposition to the Petition for Writ of Habeas Corpus filed by respondents (Document No. 13, filed June 1, 2009), and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated June 30, 2009 (Document No. 18), petitioner's Objection to Report and Recommendation (Document No. 25, filed September 23, 2009) Petitioner's Motion for Relief From Order of September 16, 2009 (Document Nos. 26 and 27, filed September 25, 2009), the Memorandum in Support of Motion for Relief (Document No. 28, filed October 7, 2009), and the Supplemental Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated March 25, 2010 (Document No. 35),¹ and the record in this case,

¹Petitioner was granted two extensions of time by which to object to the Supplemental Report and Recommendation. By Order dated April 8, 2010, the Court granted petitioner's Motion for Extension of Time to File Objections, and extended the time for filing objections to April 26, 2010. By Order dated April 27, 2010, the Court granted petitioner's second Motion for an Extension of Time, and extended the time for filing objections to the Supplemental Report

IT IS ORDERED as follows:

1. The Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated June 30, 2009, and the Supplemental Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated March 25, 2010, are **APPROVED** and **ADOPTED**;
2. Petitioner's Objection to the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated June 30, 2009, is **OVERRULED**;
3. Petitioner's Motion for Relief From Order of September 16, 2009, is **DENIED AS MOOT**;²
4. The Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 filed by petitioner, Gary Wallace, is **DENIED** and **DISMISSED WITHOUT AN EVIDENTIARY HEARING**; and,
5. A certificate of appealability **WILL NOT ISSUE** because reasonable jurists would not debate this Court's rulings. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Jan E. DuBois
JAN E. DUBOIS, J.

and Recommendation to May 10, 2010. Notwithstanding those extensions of time, petitioner has failed to file objections to the Supplemental Report and Recommendation. Instead, he filed a second Petition for Writ of Habeas Corpus on May 10, 2010.

²The Order of September 16, 2009, was vacated by Order dated November 3, 2009.